

AMENDED IN ASSEMBLY MAY 7, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1567

Introduced by Assembly Member Correa
(Principal coauthor: Assembly Member Firebaugh)
(Coauthors: Assembly Members Bermudez and Maddox)

February 21, 2003

An act to ~~amend Sections 830.2 and 830.7 of, to amend and repeal Section 830.38 of, and to amend, repeal, and add Sections 830.3, 830.37, 830.4, and 830.11 of and 830.38 of, and to add Section 13543.5 to, the Penal Code, relating to peace officers, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1567, as amended, Correa. Peace officers: ~~classification~~ firearms authority.

Under existing law, the authority of certain classifications of peace officers extends to any place in the state for the purposes of performing their primary duty and other specified purposes. Among these peace officers are specified classifications of investigators and other security personnel employed by state agencies and state hospitals, and specified classes of arson and fire prevention and suppression law enforcement agents employed by state and local agencies. These classifications of peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agencies. Some of these officers cannot be authorized to carry firearms unless their employing

agency has adopted and trained them in a policy on the use of deadly force. Peace officers are required to satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training, as specified.

This bill would, until January 1, 2007, with respect to these classes of fire, state hospital, investigative, and other security personnel who are peace officers, delete the existing authorization to carry firearms, and instead, prohibit these officers from carrying firearms until the employing agency has done certain things. The prohibition would apply until the employing agency has conducted a background check to verify an officer is not a misdemeanor, and has adopted and trained the officer in an agency policy on the use of deadly force. No later than six months from being appointed as a peace officer, or prior to being hired as a peace officer, in one of these categories, this bill would require, in addition to specialized training provided to an officer by the employing agency, that the peace officer complete the basic peace officer training, including firearms training. This bill would require these peace officers to requalify in the use of firearms every six months or less as directed by the employing agency. These officers would also be required to have completed the Specialized Investigators Basic Course or Regular Basic Course, as developed by the commission.

Existing law provides that any person or persons desiring peace officer status who, on January 1, 1990, were not entitled to that status under specified provisions of law, are authorized to request the commission to undertake a feasibility study regarding the designation of that person or persons as a peace officer. Existing law provides statutory guidance for these feasibility studies.

This bill would authorize an entity, including a specified union, to request on behalf of any one of the categories of peace officers whose authorization to carry firearms is changed by this bill a different type of study by the commission. These studies would regard the appropriateness of that category of peace officers carrying firearms while performing their primary duty or when making an arrest, as specified. This bill would require the commission to submit to the Legislature a copy of these reports. This bill would appropriate to the commission an amount sufficient to cover the actual costs of studies requested under these provisions, not to exceed the sum of \$250,000, from the State General Fund for the entire cost. This bill would repeal the authorization for these reports on January 1, 2007.



By imposing certain training requirements on local governments employing arson investigators and fire prevention and suppression law enforcement agents, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law provides that specified persons are peace officers whose authority extends to any place in the state provided that the primary duty of the peace officers is the enforcement of specified laws. Existing law provides that a separate group of persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or making an arrest as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or in a state of emergency. Existing law authorizes this classification of peace officers to carry firearms only if authorized and under those terms and conditions as specified by their employing agencies. Other provisions designate various other persons as peace officers with various jurisdictions and authority. Still other provisions classify persons who are not peace officers, but are given certain of the powers of peace officers in limited situations.~~

~~This bill would reclassify persons whose status as peace officers in current law carries generally less, or more circumscribed jurisdiction and authority into a classification providing that their authority extends to any place in the state provided that the primary duty of the peace officers is the enforcement of law within the jurisdiction of their appointing powers, with specified exceptions. Under these new classifications, the bill would require officers to complete specified training. For some of these reclassified peace officers, the bill would require that their primary duties shall include performing necessary duties with respect to patrons, employees, and properties of the peace~~



~~officers' employing agencies. It would also reclassify as peace officers certain persons who are not peace officers, but have some limited peace officer powers in certain circumstances. The replaced classifications would remain operative in parallel with the new classifications until July 1, 2006, at which time only the new classifications, with their greater powers, would be operative sources of authority for these officers. This bill would also provide that no new persons may be appointed to specified nonpeace officer positions at the California Science Center after July 1, 2006. The officers reclassified by this bill are all in state employment, and would be placed under new, broad categories called state investigators and state marshals and police. Limitations on their authority to carry weapons would not be applicable. The bill would make related changes.~~

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) ~~The Legislature finds and declares all of the~~
- 2 ~~following:~~
- 3 ~~(1) It is the duty of government to protect the public safety and~~
- 4 ~~welfare of Californians, especially those unable to defend~~
- 5 ~~themselves from wrongful harm.~~
- 6 ~~(2) That terrorism is a new domestic threat that must be~~
- 7 ~~prepared for by the state.~~
- 8 ~~(3) State Bargaining Unit 7, also known as the California Union~~
- 9 ~~of Safety Employees or CAUSE, represents a diverse and highly~~
- 10 ~~qualified group of Peace Officer Investigators and Uniformed~~
- 11 ~~Peace Officers.~~
- 12 ~~(4) Local law enforcement and the California Highway Patrol~~
- 13 ~~are already understaffed and over utilized, and the diversion of any~~
- 14 ~~of their public safety workforce jeopardizes the safety of the~~
- 15 ~~communities that they already service.~~
- 16 ~~(5) Unit 7 members, some of whom are now on call for~~
- 17 ~~response to terrorist threats, could, without jeopardizing the~~
- 18 ~~public's safety, respond with a sizable force to threats and~~
- 19 ~~emergencies of any nature.~~
- 20 ~~(6) That uniform training provides a higher standard of peace~~
- 21 ~~officer, able to function at a more efficient and independent level.~~



1 ~~(7) That uniform training standards offer more opportunities~~
2 ~~for interagency transfer and promotion and therefore promote~~
3 ~~better working conditions.~~

4 ~~(8) Unlike most law enforcement positions, Unit 7 employees~~
5 ~~have direct supervision by nonlaw enforcement personnel, who~~
6 ~~are not held to the same professional standards.~~

7 ~~(9) That at times there is an adversarial relationship between~~
8 ~~the enforcement divisions of those departments and agencies and~~
9 ~~the main duties and functions of those same departments and~~
10 ~~agencies.~~

11 ~~(b) It is the intent of the legislature in enacting this act to do all~~
12 ~~of the following:~~

13 ~~(1) Employ highly trained and well equipped peace officers as~~
14 ~~a means of best protecting the public safety and welfare of~~
15 ~~Californians.~~

16 ~~(2) Combine the unnecessarily cumbersome classifications of~~
17 ~~state employed peace officers from Bargaining Unit 7 into only~~
18 ~~two classifications that are either peace officer investigators or~~
19 ~~uniformed peace officers.~~

20 ~~(3) Provide for uniform training to promote higher standards,~~
21 ~~greater efficiency, and an independence from undue influence,~~
22 ~~therefore creating a better working environment and providing~~
23 ~~greater services to the public.~~

24 ~~(4) Provide a means by which the Governor can plan for and~~
25 ~~utilize trained peace officers to prevent and combat terrorist threats~~
26 ~~or emergencies without jeopardizing the safety of the public by~~
27 ~~using other already-deployed public safety resources.~~

28 ~~SEC. 2. Section 830.2 of the Penal Code is amended to read:~~
29 ~~830.2. The following persons are peace officers whose~~
30 ~~authority extends to any place in the state:~~

31 ~~(a) Any member of the Department of the California Highway~~
32 ~~Patrol including those members designated under subdivision (a)~~
33 ~~of Section 2250.1 of the Vehicle Code, provided that the primary~~
34 ~~duty of the peace officer is the enforcement of any law relating to~~
35 ~~the use or operation of vehicles upon the highways, or laws~~
36 ~~pertaining to the provision of police services for the protection of~~
37 ~~state officers, state properties, and the occupants of state~~
38 ~~properties, or both, as set forth in the Vehicle Code and~~
39 ~~Government Code.~~

~~(b) A member of the University of California Police Department appointed pursuant to Section 92600 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 92600 of the Education Code.~~

~~(c) A member of the California State University Police Departments appointed pursuant to Section 89560 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 89560 of the Education Code.~~

~~(d) (1) Any member of the Law Enforcement and Investigations Unit of the Department of Corrections, provided that the primary duties of the peace officer shall be the investigation or apprehension of parolees, parole violators, or escapees from state institutions, the transportation of those persons, and the coordination of those activities with other criminal justice agencies.~~

~~(2) Any member of the Office of Internal Affairs of the Department of Corrections, provided that the primary duties shall be criminal investigations of Department of Corrections personnel and the coordination of those activities with other criminal justice agencies. For purposes of this subdivision the member of the Office of Internal Affairs shall possess certification from the Commission on Peace Officer Standards and Training for investigators, or have completed training pursuant to Section 6126.1 of the Penal Code.~~

~~(e) Employees of the Department of Fish and Game designated by the director, provided that the primary duty of those peace officers shall be the enforcement of the law as set forth in Section 856 of the Fish and Game Code.~~

~~(f) Employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of the Public Resources Code, provided that the primary duty of the peace officer shall be the enforcement of the law as set forth in Section 5008 of the Public Resources Code.~~

~~(g) The Director of Forestry and Fire Protection and employees or classes of employees of the Department of Forestry and Fire Protection designated by the director pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of the~~

1 peace officer shall be the enforcement of the law as that duty is set
2 forth in Section 4156 of the Public Resources Code.

3 (h) ~~Any state investigator employed by the state, provided that~~
4 ~~the primary duty of these peace officers shall be the enforcement~~
5 ~~of law relating to the state agency or department that employs~~
6 ~~them. State investigators shall include all of the persons designated~~
7 ~~by the following agency and division heads, or other appointing~~
8 ~~authorities, with regard to the enforcement of laws within the~~
9 ~~jurisdiction of each:~~

- 10 ~~(1) The Director of Alcoholic Beverage Control.~~
- 11 ~~(2) The Director of Consumer Affairs.~~
- 12 ~~(3) The Director of Motor Vehicles.~~
- 13 ~~(4) The California Horse Racing Board.~~
- 14 ~~(5) The State Fire Marshal.~~
- 15 ~~(6) The Chief of the Food and Drug Section of the State~~
16 ~~Department of Health Services.~~
- 17 ~~(7) The Labor Commissioner.~~
- 18 ~~(8) The directors of the following departments and offices:~~
 - 19 ~~(A) The State Department of Health Services.~~
 - 20 ~~(B) The State Department of Social Services.~~
 - 21 ~~(C) The State Department of Mental Health.~~
 - 22 ~~(D) The Department of Developmental Services.~~
 - 23 ~~(E) The Department of Alcohol and Drug Programs.~~
 - 24 ~~(F) The Department of Toxic Substances Control.~~
 - 25 ~~(G) The Office of Statewide Health Planning and~~
26 ~~Development.~~
 - 27 ~~(H) The Public Employees' Retirement System.~~
- 28 ~~(9) The Chief of the Bureau of Fraudulent Claims.~~
- 29 ~~(10) The Director of the Department of Housing and~~
30 ~~Community Development.~~
- 31 ~~(11) The Controller.~~
- 32 ~~(12) The Commissioner of Corporations.~~
- 33 ~~(13) The Director of the Office of Emergency Services.~~
- 34 ~~(14) The Secretary of State.~~
- 35 ~~(15) The Deputy Director for Security of the California State~~
36 ~~Lottery.~~
- 37 ~~(16) The Director of Employment Development.~~
- 38 ~~(17) The Franchise Tax Board.~~
- 39 ~~(18) The Director of the Department of Managed Health Care.~~

~~(19) The Chief of the Investigations Bureau of the Department of Insurance.~~

~~(i) Marshals and police employed by the state provided that the primary duties of these peace officers shall be the enforcement of law relating to the state agency or department which employs them, and performing necessary duties with respect to patrons, employees, and properties of their employing agencies. State marshals and police shall include all of the persons designated by the following agency and division heads, or other appointing authorities, with regard to the enforcement of laws within the jurisdiction of each:~~

~~(1) The Director of Mental Health.~~

~~(2) The Director of Developmental Services.~~

~~(3) The Executive Director of the California Science Center.~~

~~(4) The Board of Directors of the California Exposition and State Fair.~~

~~(5) The Commissioner of Financial Institutions.~~

~~(6) The Commissioner of Real Estate.~~

~~(7) The Executive Officer of the State Lands Commission.~~

~~(8) The Executive Officer of the Military Department.~~

~~(9) The Attorney General.~~

~~(j) People made peace officers by Section 830.1 who are also appointed by an authority listed in subdivision (i) shall be considered peace officers as provided in Section 830.1.~~

~~(k) No later than six months from being appointed under subdivision (h) or (i), or prior to being hired under either of those subdivisions, in addition to specialized training provided to an officer by the employing agency, an officer shall have completed the training as prescribed under Section 832. An officer under subdivision (h) shall also have completed the Specialized Investigators Basic Course, and an officer under subdivision (i) shall also have completed the Regular Basic Course, as developed by the Commission on Peace Officer Standards and Training. Every peace officer under subdivision (h) or (i) shall have successfully completed the firearms training as required by Section 832 and shall requalify in the use of firearms every six month or less as directed by the employing agency.~~

~~(l) The Inspector General, pursuant to Section 6125, and the Chief Deputy Inspector General In Charge, the Senior Deputy Inspector General, the Deputy Inspector General, and those~~

~~employees of the Inspector General as designated by the Inspector General, are peace officers, provided that the primary duty of these peace officers shall be conducting audits of investigatory practices and other audits, as well as conducting investigations, of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, or the Board of Corrections.~~

SEC. 3.—Section 830.3 of the Penal Code is amended to read:

830.3. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. These peace officers may carry firearms ~~only if authorized and under those terms and conditions as specified by their employing agencies:~~ *except where specifically prohibited by this section.*

(a) Persons employed by the Division of Investigation of the Department of Consumer Affairs and investigators of the Medical Board of California and the Board of Dental Examiners, who are designated by the Director of Consumer Affairs, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code. The Director of Consumer Affairs shall designate as peace officers seven persons who shall at the time of their designation be assigned to the investigations unit of the Board of Dental Examiners.

(b) Voluntary fire wardens designated by the Director of Forestry and Fire Protection pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 4156 of that code.

(c) Employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 1655 of that code.

(d) Investigators of the California Horse Racing Board designated by the board, provided that the primary duty of these peace officers shall be the enforcement of Chapter 4 (commencing

1 with Section 19400) of Division 8 of the Business and Professions
2 Code and Chapter 10 (commencing with Section 330) of Title 9 of
3 Part 1 of this code.

4 (e) The State Fire Marshal and assistant or deputy state fire
5 marshals appointed pursuant to Section 13103 of the Health and
6 Safety Code, provided that the primary duty of these peace officers
7 shall be the enforcement of the law as that duty is set forth in
8 Section 13104 of that code.

9 (f) Inspectors of the food and drug section designated by the
10 chief pursuant to subdivision (a) of Section 106500 of the Health
11 and Safety Code, provided that the primary duty of these peace
12 officers shall be the enforcement of the law as that duty is set forth
13 in Section 106500 of that code.

14 (g) All investigators of the Division of Labor Standards
15 Enforcement designated by the Labor Commissioner, provided
16 that the primary duty of these peace officers shall be the
17 enforcement of the law as prescribed in Section 95 of the Labor
18 Code.

19 (h) All investigators of the State Departments of Health
20 Services, Social Services, Mental Health, Developmental
21 Services, and Alcohol and Drug Programs, the Department of
22 Toxic Substances Control, the Office of Statewide Health
23 Planning and Development, and the Public Employees'
24 Retirement System, provided that the primary duty of these peace
25 officers shall be the enforcement of the law relating to the duties
26 of his or her department, or office. Notwithstanding any other
27 provision of law, investigators of the Public Employees'
28 Retirement System shall not carry firearms.

29 (i) The Chief of the Bureau of Fraudulent Claims of the
30 Department of Insurance and those investigators designated by the
31 chief, provided that the primary duty of those investigators shall
32 be the enforcement of Section 550.

33 (j) Employees of the Department of Housing and Community
34 Development designated under Section 18023 of the Health and
35 Safety Code, provided that the primary duty of these peace officers
36 shall be the enforcement of the law as that duty is set forth in
37 Section 18023 of that code.

38 (k) Investigators of the office of the Controller, provided that
39 the primary duty of these investigators shall be the enforcement of
40 the law relating to the duties of that office. Notwithstanding any



1 other law, except as authorized by the Controller, the peace officers
2 designated pursuant to this subdivision shall not carry firearms.

3 (l) Investigators of the Department of Corporations designated
4 by the Commissioner of Corporations, provided that the primary
5 duty of these investigators shall be the enforcement of the
6 provisions of law administered by the Department of
7 Corporations. Notwithstanding any other provision of law, the
8 peace officers designated pursuant to this subdivision shall not
9 carry firearms.

10 (m) Persons employed by the Contractors' State License Board
11 designated by the Director of Consumer Affairs pursuant to
12 Section 7011.5 of the Business and Professions Code, provided
13 that the primary duty of these persons shall be the enforcement of
14 the law as that duty is set forth in Section 7011.5, and in Chapter
15 9 (commencing with Section 7000) of Division 3, of that code. The
16 Director of Consumer Affairs may designate as peace officers not
17 more than three persons who shall at the time of their designation
18 be assigned to the special investigations unit of the board.
19 Notwithstanding any other provision of law, the persons
20 designated pursuant to this subdivision shall not carry firearms.

21 (n) The chief and coordinators of the Law Enforcement
22 Division of the Office of Emergency Services.

23 (o) Investigators of the office of the Secretary of State
24 designated by the Secretary of State, provided that the primary
25 duty of these peace officers shall be the enforcement of the law as
26 prescribed in Chapter 3 (commencing with Section 8200) of
27 Division 1 of Title 2 of, and Section 12172.5 of, the Government
28 Code. Notwithstanding any other provision of law, the peace
29 officers designated pursuant to this subdivision shall not carry
30 firearms.

31 (p) The Deputy Director for Security designated by Section
32 8880.38 of the Government Code, and all lottery security
33 personnel assigned to the California State Lottery and designated
34 by the director, provided that the primary duty of any of those
35 peace officers shall be the enforcement of the laws related to
36 assuring the integrity, honesty, and fairness of the operation and
37 administration of the California State Lottery.

38 (q) Investigators employed by the Investigation Division of the
39 Employment Development Department designated by the director
40 of the department, provided that the primary duty of those peace

1 officers shall be the enforcement of the law as that duty is set forth
2 in Section 317 of the Unemployment Insurance Code.

3 Notwithstanding any other provision of law, the peace officers
4 designated pursuant to this subdivision shall not carry firearms.

5 (r) The chief and assistant chief of museum security and safety
6 of the California Science Center, as designated by the executive
7 director pursuant to Section 4108 of the Food and Agricultural
8 Code, provided that the primary duty of those peace officers shall
9 be the enforcement of the law as that duty is set forth in Section
10 4108 of the Food and Agricultural Code.

11 (s) Employees of the Franchise Tax Board designated by the
12 board, provided that the primary duty of these peace officers shall
13 be the enforcement of the law as set forth in Chapter 9
14 (commencing with Section 19701) of Part 10.2 of Division 2 of the
15 Revenue and Taxation Code.

16 ~~(t) Notwithstanding any other provision of this section, a peace~~
17 ~~officer authorized by this section shall not be authorized to carry~~
18 ~~firearms by his or her employing agency until that agency has~~
19 ~~adopted a policy on the use of deadly force by those peace officers,~~
20 ~~and until those peace officers have been instructed in the~~
21 ~~employing agency's policy on the use of deadly force.~~

22 ~~Every peace officer authorized pursuant to this section to carry~~
23 ~~firearms by his or her employing agency shall qualify in the use of~~
24 ~~the firearms at least every six months.~~

25 ~~(u) Investigators of the Department of Managed Health Care~~
26 ~~designated by the Director of the Department of Managed Health~~
27 ~~Care, provided that the primary duty of these investigators shall be~~
28 ~~the enforcement of the provisions of laws administered by the~~
29 ~~Director of the Department of Managed Health Care.~~
30 ~~Notwithstanding any other provision of law, the peace officers~~
31 ~~designated pursuant to this subdivision shall not carry firearms.~~

32 ~~This section shall become inoperative on July 1, 2006, and, as~~
33 ~~of January 1, 2007, is repealed, unless a later enacted statute, that~~
34 ~~becomes operative on or before January 1, 2007, deletes or extends~~
35 ~~the dates on which it becomes inoperative and is repealed.~~

36 ~~SEC. 4. Section 830.3 is added to the Penal Code, to read:~~

37 ~~830.3. (a) Voluntary fire wardens designated by the Director~~
38 ~~of Forestry and Fire Protection pursuant to Section 4156 of the~~
39 ~~Public Resources Code are peace officers whose authority extends~~
40 ~~to any place in the state for the purpose of performing their primary~~

~~duty or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 4156 of the Public Resources Code. These peace officers may carry firearms only if authorized and under those terms and conditions as specified by their employing agencies:~~

~~(b) Notwithstanding any other provision of this section, a peace officer authorized by this section shall not be authorized to carry firearms by his or her employing agency until that agency has adopted a policy on the use of deadly force by those peace officers, and until those peace officers have been instructed in the employing agency's policy on the use of deadly force.~~

~~Every peace officer authorized pursuant to this section to carry firearms by his or her employing agency shall qualify in the use of the firearms at least every six months.~~

~~(c) This section shall become operative on July 1, 2006.~~

~~SEC. 5.~~

~~(u) Notwithstanding any other provision of this section, a peace officer authorized by this section shall not be authorized to carry firearms until that agency has done all of the following:~~

~~(1) Conducted a background check to verify that the peace officer is not a misdemeanor.~~

~~(2) Adopted a policy on the use of deadly force by its peace officers.~~

~~(3) Instructed the peace officer in the employing agency's policy on the use of deadly force.~~

~~(v) No later than six months from being appointed under this subdivision or prior to being hired under this subdivision, in addition to specialized training provided to an officer by the employing agency, an officer shall have completed the training as prescribed under Section 832. An officer under this subdivision shall also have completed the Specialized Investigators Basic Course or Regular Basic Course, as developed by the Commission on Peace Officer Standards and Training. Every peace officer under this subdivision shall have successfully completed the firearms training as required by Section 832 and shall requalify in~~

1 *the use of firearms every six months or less as directed by the*
2 *employing agency.*

3 *This section shall remain in effect only until January 1, 2007,*
4 *and as of that date is repealed, unless a later enacted statute, that*
5 *is enacted before January 1, 2007, deletes or extends that date.*

6 *SEC. 2. Section 830.3 is added to the Penal Code, to read:*

7 *830.3. The following persons are peace officers whose*
8 *authority extends to any place in the state for the purpose of*
9 *performing their primary duty or when making an arrest pursuant*
10 *to Section 836 of the Penal Code as to any public offense with*
11 *respect to which there is immediate danger to person or property,*
12 *or of the escape of the perpetrator of that offense, or pursuant to*
13 *Section 8597 or 8598 of the Government Code. These peace*
14 *officers may carry firearms only if authorized and under those*
15 *terms and conditions as specified by their employing agencies:*

16 *(a) Persons employed by the Division of Investigation of the*
17 *Department of Consumer Affairs and investigators of the Medical*
18 *Board of California and the Board of Dental Examiners, who are*
19 *designated by the Director of Consumer Affairs, provided that the*
20 *primary duty of these peace officers shall be the enforcement of the*
21 *law as that duty is set forth in Section 160 of the Business and*
22 *Professions Code. The Director of Consumer Affairs shall*
23 *designate as peace officers seven persons who shall at the time of*
24 *their designation be assigned to the investigations unit of the*
25 *Board of Dental Examiners.*

26 *(b) Voluntary fire wardens designated by the Director of*
27 *Forestry and Fire Protection pursuant to Section 4156 of the*
28 *Public Resources Code, provided that the primary duty of these*
29 *peace officers shall be the enforcement of the law as that duty is*
30 *set forth in Section 4156 of that code.*

31 *(c) Employees of the Department of Motor Vehicles designated*
32 *in Section 1655 of the Vehicle Code, provided that the primary duty*
33 *of these peace officers shall be the enforcement of the law as that*
34 *duty is set forth in Section 1655 of that code.*

35 *(d) Investigators of the California Horse Racing Board*
36 *designated by the board, provided that the primary duty of these*
37 *peace officers shall be the enforcement of Chapter 4 (commencing*
38 *with Section 19400) of Division 8 of the Business and Professions*
39 *Code and Chapter 10 (commencing with Section 330) of Title 9 of*
40 *Part 1 of this code.*

(e) *The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 13104 of that code.*

(f) *Inspectors of the food and drug section designated by the chief pursuant to subdivision (a) of Section 106500 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 106500 of that code.*

(g) *All investigators of the Division of Labor Standards Enforcement designated by the Labor Commissioner, provided that the primary duty of these peace officers shall be the enforcement of the law as prescribed in Section 95 of the Labor Code.*

(h) *All investigators of the State Departments of Health Services, Social Services, Mental Health, Developmental Services, and Alcohol and Drug Programs, the Department of Toxic Substances Control, the Office of Statewide Health Planning and Development, and the Public Employees' Retirement System, provided that the primary duty of these peace officers shall be the enforcement of the law relating to the duties of his or her department, or office. Notwithstanding any other provision of law, investigators of the Public Employees' Retirement System shall not carry firearms.*

(i) *The Chief of the Bureau of Fraudulent Claims of the Department of Insurance and those investigators designated by the chief, provided that the primary duty of those investigators shall be the enforcement of Section 550.*

(j) *Employees of the Department of Housing and Community Development designated under Section 18023 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 18023 of that code.*

(k) *Investigators of the office of the Controller, provided that the primary duty of these investigators shall be the enforcement of the law relating to the duties of that office. Notwithstanding any other law, except as authorized by the Controller, the peace officers designated pursuant to this subdivision shall not carry firearms.*

1 (l) Investigators of the Department of Corporations designated
2 by the Commissioner of Corporations, provided that the primary
3 duty of these investigators shall be the enforcement of the
4 provisions of law administered by the Department of
5 Corporations. Notwithstanding any other provision of law, the
6 peace officers designated pursuant to this subdivision shall not
7 carry firearms.

8 (m) Persons employed by the Contractors' State License Board
9 designated by the Director of Consumer Affairs pursuant to
10 Section 7011.5 of the Business and Professions Code, provided
11 that the primary duty of these persons shall be the enforcement of
12 the law as that duty is set forth in Section 7011.5, and in Chapter
13 9 (commencing with Section 7000) of Division 3, of that code. The
14 Director of Consumer Affairs may designate as peace officers not
15 more than three persons who shall at the time of their designation
16 be assigned to the special investigations unit of the board.
17 Notwithstanding any other provision of law, the persons
18 designated pursuant to this subdivision shall not carry firearms.

19 (n) The chief and coordinators of the Law Enforcement
20 Division of the Office of Emergency Services.

21 (o) Investigators of the office of the Secretary of State
22 designated by the Secretary of State, provided that the primary
23 duty of these peace officers shall be the enforcement of the law as
24 prescribed in Chapter 3 (commencing with Section 8200) of
25 Division 1 of Title 2 of, and Section 12172.5 of, the Government
26 Code. Notwithstanding any other provision of law, the peace
27 officers designated pursuant to this subdivision shall not carry
28 firearms.

29 (p) The Deputy Director for Security designated by Section
30 8880.38 of the Government Code, and all lottery security
31 personnel assigned to the California State Lottery and designated
32 by the director, provided that the primary duty of any of those peace
33 officers shall be the enforcement of the laws related to assuring the
34 integrity, honesty, and fairness of the operation and administration
35 of the California State Lottery.

36 (q) Investigators employed by the Investigation Division of the
37 Employment Development Department designated by the director
38 of the department, provided that the primary duty of those peace
39 officers shall be the enforcement of the law as that duty is set forth
40 in Section 317 of the Unemployment Insurance Code.

1 *Notwithstanding any other provision of law, the peace officers*
 2 *designated pursuant to this subdivision shall not carry firearms.*

3 *(r) The chief and assistant chief of museum security and safety*
 4 *of the California Science Center, as designated by the executive*
 5 *director pursuant to Section 4108 of the Food and Agricultural*
 6 *Code, provided that the primary duty of those peace officers shall*
 7 *be the enforcement of the law as that duty is set forth in Section*
 8 *4108 of the Food and Agricultural Code.*

9 *(s) Employees of the Franchise Tax Board designated by the*
 10 *board, provided that the primary duty of these peace officers shall*
 11 *be the enforcement of the law as set forth in Chapter 9*
 12 *(commencing with Section 19701) of Part 10.2 of Division 2 of the*
 13 *Revenue and Taxation Code.*

14 *(t) Notwithstanding any other provision of this section, a peace*
 15 *officer authorized by this section shall not be authorized to carry*
 16 *firearms by his or her employing agency until that agency has*
 17 *adopted a policy on the use of deadly force by those peace officers,*
 18 *and until those peace officers have been instructed in the*
 19 *employing agency's policy on the use of deadly force.*

20 *Every peace officer authorized pursuant to this section to carry*
 21 *firearms by his or her employing agency shall qualify in the use of*
 22 *the firearms at least every six months.*

23 *(u) Investigators of the Department of Managed Health Care*
 24 *designated by the Director of the Department of Managed Health*
 25 *Care, provided that the primary duty of these investigators shall be*
 26 *the enforcement of the provisions of laws administered by the*
 27 *Director of the Department of Managed Health Care.*
 28 *Notwithstanding any other provision of law, the peace officers*
 29 *designated pursuant to this subdivision shall not carry firearms.*

30 *(v) This section shall become operative on January 1, 2007.*

31 *SEC. 3. Section 830.37 of the Penal Code is amended to read:*

32 *830.37. (a) The following persons are peace officers*
 33 ~~*whose authority extends to any place in the state for the purpose of*~~
 34 ~~*performing their primary duty or when making an arrest pursuant*~~
 35 ~~*to Section 836 as to any public offense with respect to which there*~~
 36 ~~*is immediate danger to person or property, or of the escape of the*~~
 37 ~~*perpetrator of that offense, or pursuant to Section 8597 or 8598 of*~~
 38 ~~*the Government Code. These peace officers may carry firearms*~~
 39 ~~*only if authorized and under terms and conditions specified by*~~
 40 ~~*their employing agency.*~~

1 ~~(a)~~:

2 (1) Members of an arson-investigating unit, regularly paid and
3 employed in that capacity, of a fire department or fire protection
4 agency of a county, city, city and county, district, or the state, if the
5 primary duty of these peace officers is the detection and
6 apprehension of persons who have violated any fire law or
7 committed insurance fraud.

8 ~~(b)~~

9 (2) Members other than members of an arson-investigating
10 unit, regularly paid and employed in that capacity, of a fire
11 department or fire protection agency of a county, city, city and
12 county, district, or the state, if the primary duty of these peace
13 officers, when acting in that capacity, is the enforcement of laws
14 relating to fire prevention or fire suppression.

15 ~~(c)~~

16 (3) Voluntary fire wardens as are designated by the Director of
17 Forestry and Fire Protection pursuant to Section 4156 of the Public
18 Resources Code, provided that the primary duty of these peace
19 officers shall be the enforcement of the law as that duty is set forth
20 in Section 4156 of the Public Resources Code.

21 ~~(d)~~

22 (4) Firefighter/security guards by the Military Department, if
23 the primary duty of the peace officer is the enforcement of the law
24 in or about properties owned, operated, or administered by the
25 employing agency or when performing necessary duties with
26 respect to patrons, employees, and properties of the employing
27 agency.

28 ~~This section shall become inoperative on July 1, 2006, and, as~~
29 ~~of January 1, 2007, is repealed, unless a later enacted statute, that~~
30 ~~becomes operative on or before January 1, 2007, deletes or extends~~
31 ~~the dates on which it becomes inoperative and is repealed.~~

32 ~~SEC. 6. Section 830.37 is added to the Penal Code, to read:~~

33 ~~830.37. The following persons are peace officers whose~~
34 ~~authority extends to any place in the state for the purpose of~~
35 ~~performing their primary duty or when making an arrest pursuant~~
36 ~~to Section 836 as to any public offense with respect to which there~~
37 ~~is immediate danger to person or property, or of the escape of the~~
38 ~~perpetrator of that offense, or pursuant to Section 8597 or 8598 of~~
39 ~~the Government Code. These peace officers may carry firearms~~

1 ~~only if authorized and under terms and conditions specified by~~
2 ~~their employing agency:~~

3 ~~(a) Members of an arson investigating unit, regularly paid and~~
4 ~~employed in that capacity, of a fire department or fire protection~~
5 ~~agency of a county, city, city and county, or district if the primary~~
6 ~~duty of these peace officers is the detection and apprehension of~~
7 ~~persons who have violated any fire law or committed insurance~~
8 ~~fraud.~~

9 ~~(b) Members other than members of an arson investigating~~
10 ~~unit, regularly paid and employed in that capacity, of a fire~~
11 ~~department or fire protection agency of a county, city, city and~~
12 ~~county, or district if the primary duty of these peace officers, when~~
13 ~~acting in that capacity, is the enforcement of laws relating to fire~~
14 ~~prevention or fire suppression.~~

15 ~~(c) Voluntary fire wardens as are designated by the Director of~~
16 ~~Forestry and Fire Protection pursuant to Section 4156 of the Public~~
17 ~~Resources Code, provided that the primary duty of these peace~~
18 ~~officers shall be the enforcement of the law as that duty is set forth~~
19 ~~in Section 4156 of the Public Resources Code.~~

20 ~~This section shall become operative on July 1, 2006.~~

21 ~~SEC. 7.~~

22 *(b) The authority of these peace officers extends to any place*
23 *in the state for the purpose of performing their primary duty or*
24 *when making an arrest pursuant to Section 836 as to any public*
25 *offense with respect to which there is immediate danger to person*
26 *or property, or of the escape of the perpetrator of that offense, or*
27 *pursuant to Section 8597 or 8598 of the Government Code.*

28 *(c) These peace officers may carry firearms after the employing*
29 *agency has done all of the following:*

30 *(1) Conducted a background check to verify that the peace*
31 *officer is not a misdemeanor.*

32 *(2) Adopted a policy on the use of deadly force by its peace*
33 *officers.*

34 *(3) Instructed the peace officer in the employing agency's*
35 *policy on the use of deadly force.*

36 *(d) No later than six months from being appointed under this*
37 *subdivision or prior to being hired under this subdivision, in*
38 *addition to specialized training provided to an officer by the*
39 *employing agency, an officer shall have completed the training as*
40 *prescribed under Section 832. An officer under this subdivision*

1 shall also have completed the Specialized Investigators Basic
2 Course or Regular Basic Course, as developed by the Commission
3 on Peace Officer Standards and Training. Every peace officer
4 under this subdivision shall have successfully completed the
5 firearms training as required by Section 832 and shall requalify in
6 the use of firearms every six months or less as directed by the
7 employing agency.

8 This section shall remain in effect only until January 1, 2007,
9 and as of that date is repealed, unless a later enacted statute, that
10 is enacted before January 1, 2007, deletes or extends that date.

11 SEC. 4. Section 830.37 is added to the Penal Code, to read:

12 830.37. The following persons are peace officers whose
13 authority extends to any place in the state for the purpose of
14 performing their primary duty or when making an arrest pursuant
15 to Section 836 as to any public offense with respect to which there
16 is immediate danger to person or property, or of the escape of the
17 perpetrator of that offense, or pursuant to Section 8597 or 8598 of
18 the Government Code. These peace officers may carry firearms
19 only if authorized and under terms and conditions specified by
20 their employing agency:

21 (a) Members of an arson-investigating unit, regularly paid and
22 employed in that capacity, of a fire department or fire protection
23 agency of a county, city, city and county, district, or the state, if the
24 primary duty of these peace officers is the detection and
25 apprehension of persons who have violated any fire law or
26 committed insurance fraud.

27 (b) Members other than members of an arson-investigating
28 unit, regularly paid and employed in that capacity, of a fire
29 department or fire protection agency of a county, city, city and
30 county, district, or the state, if the primary duty of these peace
31 officers, when acting in that capacity, is the enforcement of laws
32 relating to fire prevention or fire suppression.

33 (c) Voluntary fire wardens as are designated by the Director of
34 Forestry and Fire Protection pursuant to Section 4156 of the
35 Public Resources Code, provided that the primary duty of these
36 peace officers shall be the enforcement of the law as that duty is
37 set forth in Section 4156 of the Public Resources Code.

38 (d) Firefighter/security guards by the Military Department, if
39 the primary duty of the peace officer is the enforcement of the law
40 in or about properties owned, operated, or administered by the

1 *employing agency or when performing necessary duties with*
2 *respect to patrons, employees, and properties of the employing*
3 *agency.*

4 *(e) This section shall become operative on January 1, 2007.*

5 SEC. 5. Section 830.38 of the Penal Code is amended to read:

6 830.38. (a) The officers of a state hospital under the
7 jurisdiction of the State Department of Mental Health or the State
8 Department of Developmental Services appointed pursuant to
9 Section 4313 or 4493 of the Welfare and Institutions Code, are
10 peace officers whose authority extends to any place in the state for
11 the purpose of performing their primary duty or when making an
12 arrest pursuant to Section 836 as to any public offense with respect
13 to which there is immediate danger to person or property, or of the
14 escape of the perpetrator of that offense, or pursuant to Section
15 8597 or 8598 of the Government Code provided that the primary
16 duty of the peace officers shall be the enforcement of the law as set
17 forth in Sections 4311, 4313, 4491, and 4493 of the Welfare and
18 Institutions Code. Those peace officers may carry firearms ~~only if~~
19 ~~authorized and under terms and conditions specified by their~~
20 ~~employing agency.~~

21 ~~(b) This section shall become inoperative on July 1, 2006, and,~~
22 ~~as of January 1, 2007, is repealed, unless a later enacted statute,~~
23 ~~that becomes operative on or before January 1, 2007, deletes or~~
24 ~~extends the dates on which it becomes inoperative and is repealed.~~

26 ~~SEC. 8. Section 830.4 of the Penal Code is amended to read:~~

27 ~~830.4. The following persons are peace officers whose~~
28 ~~authority extends to any place in the state for the purpose of~~
29 ~~performing their duties under the conditions as specified by~~
30 ~~statute. Those peace officers may carry firearms only if authorized~~
31 ~~and under terms and conditions specified by their employing~~
32 ~~agency.~~

33 ~~(a) Members of the California National Guard have the powers~~
34 ~~of peace officers when they are involved in any or all of the~~
35 ~~following:~~

36 ~~(1) Called or ordered into active state service by the Governor~~
37 ~~pursuant to the provisions of Section 143 or 146 of the Military and~~
38 ~~Veterans Code.~~

39 ~~(2) Serving within the area wherein military assistance is~~
40 ~~required.~~

~~(3) Directly assisting civil authorities in any of the situations specified in Section 143 or 146.~~

~~The authority of the peace officer under this subdivision extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under those circumstances.~~

~~(b) Guards and messengers of the Treasurer's office when performing assigned duties as a guard or messenger.~~

~~(c) Security officers of the Department of Justice when performing assigned duties as security officers.~~

~~(d) Security officers of Hastings College of the Law. These officers shall have authority of peace officers only within the City and County of San Francisco. Notwithstanding any other provisions of law, the peace officers designated by this subdivision shall not be authorized by this subdivision to carry firearms either on or off duty. Notwithstanding any other provision of law, the act which designated the persons described in this subdivision as peace officers shall serve only to define those persons as peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers, and duties, and there shall be no change in the status of those persons for purposes of retirement, workers' compensation or similar injury or death benefits, or other employee benefits.~~

~~This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.~~

~~SEC. 9. Section 830.4 is added to the Penal Code, to read:~~

~~830.4. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their duties under the conditions as specified by statute. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.~~

~~(a) Members of the California National Guard have the powers of peace officers when they are involved in any or all of the following:~~

1 ~~(1) Called or ordered into active state service by the Governor~~
2 ~~pursuant to the provisions of Section 143 or 146 of the Military and~~
3 ~~Veterans Code.~~

4 ~~(2) Serving within the area wherein military assistance is~~
5 ~~required.~~

6 ~~(3) Directly assisting civil authorities in any of the situations~~
7 ~~specified in Section 143 or 146.~~

8 ~~The authority of the peace officer under this subdivision extends~~
9 ~~to the area wherein military assistance is required as to a public~~
10 ~~offense committed or which there is reasonable cause to believe~~
11 ~~has been committed within that area. The requirements of Section~~
12 ~~1031 of the Government Code are not applicable under those~~
13 ~~circumstances.~~

14 ~~(b) Guards and messengers of the Treasurer's office when~~
15 ~~performing assigned duties as a guard or messenger.~~

16 ~~(c) Security officers of Hastings College of the Law. These~~
17 ~~officers shall have authority of peace officers only within the City~~
18 ~~and County of San Francisco. Notwithstanding any other~~
19 ~~provisions of law, the peace officers designated by this subdivision~~
20 ~~shall not be authorized by this subdivision to carry firearms either~~
21 ~~on or off duty. Notwithstanding any other provision of law, the act~~
22 ~~which designated the persons described in this subdivision as~~
23 ~~peace officers shall serve only to define those persons as peace~~
24 ~~officers, the extent of their jurisdiction, and the nature and scope~~
25 ~~of their authority, powers, and duties, and there shall be no change~~
26 ~~in the status of those persons for purposes of retirement, workers'~~
27 ~~compensation or similar injury or death benefits, or other~~
28 ~~employee benefits.~~

29 ~~(d) This section shall become operative on July 1, 2006.~~

30 ~~SEC. 10. Section 830.7 of the Penal Code is amended to read:~~

31 ~~830.7. The following persons are not peace officers but may~~
32 ~~exercise the powers of arrest of a peace officer as specified in~~
33 ~~Section 836 during the course and within the scope of their~~
34 ~~employment, if they successfully complete a course in the exercise~~
35 ~~of those powers pursuant to Section 832:~~

36 ~~(a) Persons designated by a cemetery authority pursuant to~~
37 ~~Section 8325 of the Health and Safety Code.~~

38 ~~(b) Persons regularly employed as security officers for~~
39 ~~independent institutions of higher education, recognized under~~
40 ~~subdivision (b) of Section 66010 of the Education Code, if the~~

~~institution has concluded a memorandum of understanding, permitting the exercise of that authority, with the sheriff or the chief of police within whose jurisdiction the institution lies.~~

~~(c) Persons regularly employed as security officers for health facilities, as defined in Section 1250 of the Health and Safety Code, that are owned and operated by cities, counties, and cities and counties, if the facility has concluded a memorandum of understanding, permitting the exercise of that authority, with the sheriff or the chief of police within whose jurisdiction the facility lies.~~

~~(d) Employees or classes of employees of the California Department of Forestry and Fire Protection designated by the Director of Forestry and Fire Protection, provided that the primary duty of the employee shall be the enforcement of the law as that duty is set forth in Section 4156 of the Public Resources Code.~~

~~(e) Persons regularly employed as inspectors, supervisors, or security officers for transit districts, as defined in Section 99213 of the Public Utilities Code, if the district has concluded a memorandum of understanding permitting the exercise of that authority, with, as applicable, the sheriff, the chief of police, or the Department of the California Highway Patrol within whose jurisdiction the district lies. For the purposes of this subdivision, the exercise of peace officer authority may include the authority to remove a vehicle from a railroad right-of-way as set forth in Section 22656 of the Vehicle Code.~~

~~(f) Nonpeace officers regularly employed as county parole officers pursuant to Section 3089.~~

~~(g) Persons appointed by the Executive Director of the California Science Center pursuant to Section 4108 of the Food and Agricultural Code. However, commencing July 1, 2006, no new person may be appointed pursuant to this subdivision.~~

~~(h) Persons regularly employed as investigators by the Department of Transportation for the City of Los Angeles and designated by local ordinance as public officers, to the extent necessary to enforce laws related to public transportation, and authorized by a memorandum of understanding with the chief of police, permitting the exercise of that authority. For the purposes of this subdivision, "investigator" means an employee defined in Section 53075.61 of the Government Code authorized by local ordinance to enforce laws related to public transportation.~~

1 ~~Transportation investigators authorized by this section shall not be~~
2 ~~deemed “peace officers” for purposes of Sections 241 and 243.~~

3 ~~SEC. 11. Section 830.11 of the Penal Code is amended to~~
4 ~~read:~~

5 ~~830.11. (a) The following persons are not peace officers but~~
6 ~~may exercise the powers of arrest of a peace officer as specified in~~
7 ~~Section 836 and the power to serve warrants as specified in~~
8 ~~Sections 1523 and 1530 during the course and within the scope of~~
9 ~~their employment, if they receive a course in the exercise of those~~
10 ~~powers pursuant to Section 832. The authority and powers of the~~
11 ~~persons designated under this section shall extend to any place in~~
12 ~~the state:~~

13 ~~(1) Persons employed by the Department of Financial~~
14 ~~Institutions designated by the Commissioner of Financial~~
15 ~~Institutions, provided that the primary duty of these persons shall~~
16 ~~be the enforcement of, and investigations relating to, the~~
17 ~~provisions of law administered by the Commissioner of Financial~~
18 ~~Institutions.~~

19 ~~(2) Persons employed by the Department of Real Estate~~
20 ~~designated by the Real Estate Commissioner, provided that the~~
21 ~~primary duty of these persons shall be the enforcement of the laws~~
22 ~~set forth in Part 1 (commencing with Section 10000) and Part 2~~
23 ~~(commencing with Section 11000) of Division 4 of the Business~~
24 ~~and Professions Code. The Real Estate Commissioner may~~
25 ~~designate persons under this section, who at the time of their~~
26 ~~designation, are assigned to the Special Investigations Unit,~~
27 ~~internally known as the Crisis Response Team.~~

28 ~~(3) Persons employed by the State Lands Commission~~
29 ~~designated by the executive officer, provided that the primary duty~~
30 ~~of these persons shall be the enforcement of the law relating to the~~
31 ~~duties of the State Lands Commission.~~

32 ~~(4) Persons employed as investigators of the Investigations~~
33 ~~Bureau of the Department of Insurance, who are designated by the~~
34 ~~Chief of the Investigations Bureau, provided that the primary duty~~
35 ~~of these persons shall be the enforcement of the Insurance Code~~
36 ~~and other laws relating to persons and businesses, licensed and~~
37 ~~unlicensed by the Department of Insurance, who are engaged in the~~
38 ~~business of insurance.~~

39 ~~(5) Persons employed as investigators and investigator~~
40 ~~supervisors of the Consumer Services Division or the Rail Safety~~

1 and Carrier Division of the Public Utilities Commission who are
2 designated by the commission's executive director and approved
3 by the commission, provided that the primary duty of these
4 persons shall be the enforcement of the law as that duty is set forth
5 in Section 308.5 of the Public Utilities Code.

6 (b) Notwithstanding any other provision of law, persons
7 designated pursuant to this section shall not carry firearms.

8 (c) Persons designated pursuant to this section shall be included
9 as "peace officers of the state" under paragraph (2) of subdivision
10 (e) of Section 11105 for the purpose of receiving state summary
11 criminal history information and shall be furnished that
12 information on the same basis as peace officers of the state
13 designated in paragraph (2) of subdivision (c) of Section 11105.

14 (d) This section shall become inoperative on July 1, 2006, and,
15 as of January 1, 2007, is repealed, unless a later enacted statute,
16 that becomes operative on or before January 1, 2007, deletes or
17 extends the dates on which it becomes inoperative and is repealed.

18 SEC. 12. Section 830.11 is added to the Penal Code, to read:

19 830.11. (a) Persons employed as investigators and
20 investigator supervisors of the Consumer Services Division or the
21 Rail Safety and Carrier Division of the Public Utilities
22 Commission who are designated by the commission's executive
23 director and approved by the commission are not peace officers but
24 may exercise the powers of arrest of a peace officer as specified in
25 Section 836 and the power to serve warrants as specified in
26 Sections 1523 and 1530 during the course and within the scope of
27 their employment, if they receive a course in the exercise of those
28 powers pursuant to Section 832, provided that the primary duty of
29 these persons shall be the enforcement of the law as that duty is set
30 forth in Section 308.5 of the Public Utilities Code. The authority
31 and powers of the persons designated under this section shall
32 extend to any place in the state.

33 (b) Notwithstanding any other provision of law, persons
34 designated pursuant to this section shall not carry firearms.

35 (c) Persons designated pursuant to this section shall be included
36 as "peace officers of the state" under paragraph (2) of subdivision
37 (e) of Section 11105 for the purpose of receiving state summary
38 criminal history information and shall be furnished that
39 information on the same basis as peace officers of the state
40 designated in paragraph (2) of subdivision (c) of Section 11105.

1 ~~(d) This section shall become operative on July 1, 2006.~~

2 *after the employing agency has done all of the following:*

3 *(1) Conducted a background check to verify that the peace*
4 *officer is not a misdemeanor.*

5 *(2) Adopted a policy on the use of deadly force by its peace*
6 *officers.*

7 *(3) Instructed the peace officer in the employing agency's*
8 *policy on the use of deadly force.*

9 *(b) No later than six months from being appointed under this*
10 *subdivision or prior to being hired under this subdivision, in*
11 *addition to specialized training provided to an officer by the*
12 *employing agency, an officer shall have completed the training as*
13 *prescribed under Section 832. An officer under this subdivision*
14 *shall also have completed the Specialized Investigators Basic*
15 *Course or Regular Basic Course, as developed by the Commission*
16 *on Peace Officer Standards and Training. Every peace officer*
17 *under this subdivision shall have successfully completed the*
18 *firearms training as required by Section 832 and shall requalify in*
19 *the use of firearms every six months or less as directed by the*
20 *employing agency.*

21 *This section shall remain in effect only until January 1, 2007,*
22 *and as of that date is repealed, unless a later enacted statute, that*
23 *is enacted before January 1, 2007, deletes or extends that date.*

24 *SEC. 6. Section 830.38 is added to the Penal Code, to read:*

25 *830.38. (a) The officers of a state hospital under the*
26 *jurisdiction of the State Department of Mental Health or the State*
27 *Department of Developmental Services appointed pursuant to*
28 *Section 4313 or 4493 of the Welfare and Institutions Code, are*
29 *peace officers whose authority extends to any place in the state for*
30 *the purpose of performing their primary duty or when making an*
31 *arrest pursuant to Section 836 as to any public offense with respect*
32 *to which there is immediate danger to person or property, or of the*
33 *escape of the perpetrator of that offense, or pursuant to Section*
34 *8597 or 8598 of the Government Code provided that the primary*
35 *duty of the peace officers shall be the enforcement of the law as set*
36 *forth in Sections 4311, 4313, 4491, and 4493 of the Welfare and*
37 *Institutions Code. Those peace officers may carry firearms only if*
38 *authorized and under terms and conditions specified by their*
39 *employing agency.*

40 *(b) This section shall become operative on January 1, 2007.*

1 SEC. 7. Section 13543.5 is added to the Penal Code, to read:

2 13543.5. (a) The commission shall, for each category of
3 peace officers for which a request is received as provided below,
4 issue a study and its recommendations regarding the
5 appropriateness of that category of peace officers designated
6 pursuant to Section 830.3, 830.37 and 830.38 of the Penal Code
7 carrying firearms while performing their primary duty or when
8 making an arrest pursuant to Section 836 of the Penal Code.

9 (b) A study shall commence after the commission has received
10 a request for that study from an entity, including, but not limited
11 to, the California Union of Safety Employees, on behalf of any of
12 the following peace officer groups:

13 (1) Persons employed by the Division of Investigation of the
14 Department of Consumer Affairs.

15 (2) Persons employed by the Board of Dental Examiners.

16 (3) Voluntary fire wardens designated by the Director of
17 Forestry and Fire Protection pursuant to Section 4145 of the
18 Public Resources Code.

19 (4) Employees of the Department of Vehicle designated in
20 Section 1655 of the Vehicle Code.

21 (5) Investigators of the California Horse Racing Board.

22 (6) The State Fire Marshal and assistant or deputy state fire
23 marshals appointed pursuant to Section 13103 of the Health and
24 Safety Code.

25 (7) Inspectors of the food and drug section designated by the
26 chief pursuant to subdivision (a) of Section 106500 of the Health
27 and Safety Code.

28 (8) All investigators of the Division of Labor Standards
29 Enforcement.

30 (9) All investigators of the State Department of Health
31 Services.

32 (10) All investigators employed by the State Department of
33 Social Services.

34 (11) All investigators employed by the State Department of
35 Mental Health.

36 (12) All investigators employed by the State Department of
37 Developmental Services.

38 (13) All investigators employed by the State Department of
39 Alcohol and Drug Programs.

1 (14) All investigators employed by the Department of Toxic
2 Substances Control.

3 (15) All investigators employed by the Office of Statewide
4 Health Planning and Development.

5 (16) The Chief of the Bureau of Fraudulent Claims of the
6 Department of Insurance and those investigators designated by
7 the chief.

8 (17) Employees of the Department of Housing and Community
9 Development designated under Section 18023 of the Health and
10 Safety Code.

11 (18) The chief and coordinators of the Law Enforcement
12 Division of the Office of Emergency Services.

13 (19) The Deputy Director for Security designated by Section
14 8880.38 of the Government Code, and all lottery security
15 personnel assigned to the California State Lottery and designated
16 by the director.

17 (20) The chief and assistant chief of museum security and safety
18 of the California Science Center, as designated by the executive
19 director pursuant to Section 4108 of the Food and Agricultural
20 Code.

21 (21) Employees of the Franchise Tax Board designated by the
22 board.

23 (22) Members of an arson-investigating unit, regularly paid
24 and employed in that capacity, of a fire department or fire
25 protection agency of the state.

26 (23) Members other than members of an arson-investigating
27 unit, regularly paid and employed in that capacity, of a fire
28 department or fire protection agency of a county, city, city and
29 county, district, or the state.

30 (24) Voluntary fire wardens as are designated by the Director
31 of Forestry and Fire Protection pursuant to Section 4156 of the
32 Public Resources Code.

33 (25) Firefighter/security guards by the Military Department.

34 (26) The officers of a state hospital under the jurisdiction of the
35 State Department of Mental Health or the State Department of
36 Developmental Services appointed pursuant to Section 4313 or
37 4493 of the Welfare and Institutions Code.

38 (c) An amount sufficient to cover the actual costs of the
39 requested studies not to exceed the sum of two-hundred fifty
40 thousand dollars (\$250,000) is hereby appropriated from the State

1 *General Fund to the commission for the entire cost of all studies*
2 *requested under this section.*

3 *(d) The commission shall submit to the Legislature a copy of all*
4 *its studies and recommendations prepared pursuant to this section.*

5 *(e) This section shall remain in effect only until January 1,*
6 *2007, and as of that date is repealed, unless a later enacted statute,*
7 *that is enacted before January 1, 2007, deletes or extends that date.*

8 *SEC. 8. Notwithstanding Section 17610 of the Government*
9 *Code, if the Commission on State Mandates determines that this*
10 *act contains costs mandated by the state, reimbursement to local*
11 *agencies and school districts for those costs shall be made*
12 *pursuant to Part 7 (commencing with Section 17500) of Division*
13 *4 of Title 2 of the Government Code. If the statewide cost of the*
14 *claim for reimbursement does not exceed one million dollars*
15 *(\$1,000,000), reimbursement shall be made from the State*
16 *Mandates Claims Fund.*

